IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 18432 of 2006

DATE OF DECISION:23.11.2006

Kiran Bhateja ....Petitioner

Versus

State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. R.K. Girdhar, Advocate for
for the petitioner.

J.S. Khehar, J. (oral)

The petitioner, in the instant writ petition, has sought seniority with effect from the date of appointment of those who are placed lower to her in the merit list at the time of selection. On the issue in hand, the petitioner places reliance on the decision rendered by a Division Bench of this Court in Charan Dass Sharma V. State of Punjab and another (CWP No.19832 of 2003, decided on 9.7.2004). Learned counsel for the petitioner states, that on the issue in hand the petitioner had served a legal notice dated 7.9.2006 on the respondents, but no decision has been taken thereon till date.

Learned counsel for the petitioner states that the petitioner will be satisfied if the instant writ petition is disposed of with a direction to respondent No.2 i.e. the Director Public Instructions (Schools), Punjab,

requiring him to take a final decision on the legal notice dated 7.9.2006 (Annexure P2).

Notice of motion.

On our asking, Mr. Ashok Aggarwal, Additional Advocate General, Punjab, accepts notice on behalf of respondents No.2 to 3. Learned counsel for the respondents states that he has no objection to the disposal of the instant writ petition in terms of the prayer made by the learned counsel for the petitioner.

In view of the above, without going into the merits of the claim raised by the petitioner, we consider it just and appropriate to dispose of the instant writ petition by directing respondent No.1 i.e. the Director Public Instructions (Schools), Punjab, to take a final decision on the legal notice dated 7.9.2006 (Annexure P2), by passing a well reasoned speaking order within two months from the date of receipt of a certified copy of this order. It would be appreciated if respondent No.2, while passing the aforesaid order, takes into consideration the decision rendered by this Court in Charan Dass Sharma's case (supra), as also, any other relevant judgment on the point.

Disposed of accordingly.

Order dasti, on payment of usual charges.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

November 23, 2006.
vig